

PBC Legislative Update



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State Issues

End of October Update

Senate Gaming Workshop in South Florida

By: County Staff and Ericks Consultants

The Senate Gaming Committee started a series of workshops to take input about gaming-related issues. The state's gaming laws are expected to be a major issue during the 2014 legislative session. The first community meeting was Wednesday, October 23rd at Broward College, in Coconut Creek.

The meeting began with comments from Mayor Toole of Coconut Creek. Who expressed her disappointment with legislation passed last year that outlawed internet cafés specifically because of the negative impacts HB 155 has had on their seniors.

Chairman Richter explained purpose of the meeting was to hear from the South Florida public regarding Florida gaming policy.

Sixty plus speakers signed up to speak and 216 online public comments were received. Several of the speakers where from Palm Beach County including Jonathan Satter, Chair of the Economic Council of Palm Beach County highlighting voter approval of slots at pari-mutuel facilities in Palm Beach County.

Mike Jones expressed his support for slot machines in the PBC Kennel Club as did Joyce Smith speaking on behalf of the Rooney family and Dennis Grady speaking on behalf of the Chamber of the Palm Beaches.

Mecca Farms

By: County Staff

The Palm Beach County Board of county Commissioners approved the sale of the 1,896-acre Mecca Farms property north of Northlake Boulevard to the South Florida Water Management District for \$26 million. The county retains title to 22.7 acres on which a county water plant was built, and the county will have the option of buying back 98.5 acres of right of way for Seminole Pratt-Whitney Road at \$14,000 per acre. The district agrees to give 150 acres to the state for a public shooting range. The Mecca farms property was originally purchased by the County as the site to develop the Scripps Research Institute and building a biotech cluster. The SFWMD plans to use the property as a water storage area and flow way to meet the Loxahatchee River Minimum Flows and Levels.

Upcoming Committee Meetings in Tallahassee

Monday, November 4 starts the next legislative Committee meetings in Tallahassee. Below are some of the meetings happening during the week.

MONDAY, NOVEMBER 4, 2013

SENATE GAMING STUDY: The Senate Gaming Committee will listen to public testimony about a study, produced by the Spectrum Gaming Group, that explores potential scenarios for expanded gambling in the state. (Monday, noon, 110 Senate Office Building, the Capitol.)

LOBBYING FIRM AUDITS AND Palm Beach COMMISSION ON ETHICS OPPAGA REPORT: The Joint Legislative Auditing Committee will discuss guidelines for auditing compensation reports filed by lobbying firms. Additionally, they will discuss the OPPAGA Audit of the Palm Beach County Commission on Ethics (Monday, noon, 301 Senate Office Building, the Capitol.)

UPDATE ON VOTER PURGE: Secretary of State Ken Detzner speaks to the Senate Ethics and Elections Committee to discuss the state's latest effort to remove non-citizens from the voting rolls. The Palm Beach County Commission will also discuss the functions and operation of their office at the meeting. (Monday, 4 p.m., 412 Knott Building, the Capitol.)

TUESDAY, NOVEMBER 5, 2013

RECOMMENDATIONS ON LAKE O DISCHARGES: The Senate Select Committee on Indian River Lagoon and Lake Okeechobee Basin will consider recommendations to deal with issues related to water discharges from the lake leading to pollution in the St. Lucie and Caloosahatchee rivers. (Tuesday, 4 p.m., 412 Knott Building, the Capitol.)

WEDNESDAY, NOVEMBER 6, 2013

LAKE OKEECHOBEE ISSUES EXPLORED: The House State Affairs Committee and the House Agriculture & Natural Resources Subcommittee will hold a joint meeting to discuss issues related to water releases from Lake Okeechobee into the St. Lucie and Caloosahatchee rivers. (Wednesday, 8:30 a.m., Morris Hall, House Office Building, the Capitol.)

LAWMAKERS REVIEW GAMING STUDY: The House Select Committee on Gaming will receive an update about a study, produced by the Spectrum Gaming Group, that examines the possibility of expanded gambling in Florida. (Wednesday, noon, Morris Hall, House Office Building, the Capitol.)

Federal Issues

Army Corps to Halt Lake O Releases to the East

The U.S. Army Corps of Engineers Jacksonville District announced Friday, Oct. 18th that discharges will be halted on Monday from Lake Okeechobee into the St. Lucie Estuary, while less water will flow into the Caloosahatchee Estuary. "Drier weather is now starting to take hold in the area," Lt. Col. Tom Greco, Jacksonville District deputy commander for South Florida said in a release. "Our focus is now shifting toward retaining water in the lake to ensure a viable supply for the approaching dry season, while still monitoring for heavy rain events that might force future adjustments in flows." Residents who live along the estuaries have been fighting the Army Corps over the impact of the releases since May. The nutrient-rich water sent from Lake Okeechobee into the rivers has killed oysters and sea grass, along with causing a toxic algae outbreak that has forced Martin County health officials to warn residents against coming into contact with the water. Gov. Rick Scott, along with U.S. Reps. Trey Radel, R-FL, and Patrick Murphy, D-FL and State Senator Joe Negron have asked President Barack Obama to tour the lake in the latest attempt to draw attention to complaints about how water releases have impacted the health of estuaries on both sides of the state. The officials from Florida also want the President to support additional funding to speed repairs of the Herbert Hoover Dike system around the lake. The Army Corps tries to keep the lake level between 12.5 feet and 15.5 feet, to reduce stress on the dike.

National Flood Insurance Program

By: Alcalde and Fay

Senate

Senators Robert Menendez (D-NJ) and Johnny Isakson (R-GA), and a bipartisan group of senators, introduced the Homeowner Flood Insurance Affordability Act to force the Federal Emergency Management Agency (FEMA) to hold off on premium increases for at least two years or until FEMA finishes a study on how to ensure flood insurance policies are affordable for property owners. They also agreed to try to mandate changes to the way FEMA maps each region's flood risk and how rates are raised on properties. The bill is co-sponsored by Senators Thad Cochran (R-MS), Mary Landrieu (D-LA), David Vitter (R-LA), Chuck Schumer (D-NY), Bill Nelson (R-FL), Jeff Merkley (D-OR), Mark Begich (D-AK), Kirsten Gillibrand (D-NY), John Hoeven (R-ND), Al Franken (D-MN), Elizabeth Warren (D-MA), Heidi Heitkamp (D-ND) and Ed Markey (D-MA).

House

Representative Michael Grimm (R-NY) along with House Financial Services Ranking Member, Representative Maxine Waters (D-CA), co-author of the Biggert-Waters Act, introduced legislation H.R. 3370, the Homeowners Flood Insurance Affordability Act to fix NFIP and ensure changes are implemented affordably. The legislation calls for a four-year delay to the program and requires FEMA to complete an affordability study and propose regulations that address affordability issues. In addition, it requires FEMA to propose regulations that address the identified affordability issues within 18 months after the completion of the study and establishes a six month moratorium thereafter to provide for Congressional review.

The delay applies to: primary, non-repetitive loss residences that are currently grandfathered; all properties sold after July 6, 2012; and all properties that purchased a new policy after July 6, 2012.

FEMA has estimated it will take 2 years to complete the affordability study before regulations can be issued and reviewed by Congress meaning rate increases would be delayed for approximately 4 years in total.

In addition, the legislation:

- Allows FEMA to utilize National Flood Insurance Funds to reimburse policyholders who successfully appeal a map determination.
- Eliminates the 50% cap on state and local contributions to levee construction and reconstruction
- Protects the so-called "basement exception," which allows the lowest proofed opening in a home to be used for determining flood insurance rates.
- Establishes a Flood Insurance Rate Map Advocate within FEMA to answer current and prospective policyholder questions about the flood mapping process.
- Requires FEMA to certify that the agency has fully adopted a modernized risk-based approach to analyzing flood risk.

WRDA Bill Passes; Hastings Files Amendment to Assist with Sand Transfer Plant Funding

By: County Staff

On Wednesday, October 23, the House of Representatives passed the Water Resources Reform and Development Act of 2013 (WRRDA) (H.R. 3080) by an overwhelmingly bipartisan vote of 417 to 3. The bill was developed in a bi-partisan fashion by House Transportation and Infrastructure Chairman Bill Shuster (R-PA), Ranking Member Nick Rahall (D-WV), Water Resources Subcommittee Chair Bob Gibbs (R-OH), and Subcommittee Ranking Member Tim Bishop (D-NY). The so-called "Big Four" also stuck together on amendments to the bill during the mark-up, Rules Committee process, and on the floor. As a result, of approximately 100 amendments submitted for floor consideration, only 24 were ruled in order.

Of the 24 amendments ruled in order, one was filed by Congressman Alcee Hastings on behalf of Palm Beach County to require the Corps to take over Operation and Maintenance costs of sand transfer plants. While the amendment eventually was not adopted to the bill, the County expresses their sincere gratitude to Congressman Hastings for his efforts to support this important priority for the County.

A. Highlights of the Water Resources Reform and Development Act

In their floor statements, Chairman Shuster and Ranking Member Rahall summarized WRRDA as a policy and reform focused bill that:

- Accelerates project delivery by setting deadlines to complete feasibility studies; requiring concurrent reviews; and streamlining the environmental process.
- Maintains fiscal responsibility by setting up a process to de-authorize projects in an amount equivalent to new project authorizations.
- Avoids earmarks and establishes a new transparent process for the Army Corps to identify projects for Congressional authorization that maintains Congressional responsibility and does not cede authority to the Army Corps to “self-authorize.”
- Maximizes the ability of non-federal sponsors to contribute local funds to move projects forward.
- Creates a new public-private partnership (PPP) pilot program to engage the private sector in implementing and financing projects.
- Strengthens the Harbor Maintenance Trust Fund (HMTF) by increasing the amount required to be spent from the trust fund on harbor maintenance and certain expanded uses. WRDA increases the amount to be appropriated from the HMTF to 80% of HMTF revenues by 2020 (historically less than 50% of revenues have been spent for harbor maintenance, with the balanced used for budgetary offsets). It also allows 5% of the HMTF appropriation to be put to expanded uses including the dredging of berths (which are non-federal waterways) and disposal of contaminated sediments.
- Sets a path to considering WRRDA bills every Congress in regular order.

The WRRDA bill also authorizes four additional, much-needed Everglades restoration components. The Comprehensive Everglades Restoration Plan is the largest environmental restoration project in our nation’s history and after much delay, projects are now underway. These four projects will help keep up momentum in restoring our beloved River of Grass.

All members of the Palm Beach County Congressional Legislative Delegation supported the bill.



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Cong. Frankel Files Amendment to Assist Local Governments with FEMA Audits

By: County Staff

The House Transportation & Infrastructure Committee marked up and favorably reported H.R. 3300, which reauthorizes certain FEMA programs, including the National Urban Search and Rescue (USAR) Response System. The bill reauthorizes the USAR Response System through FY2016, codifies the current USAR Response System in statute, and clarifies liabilities and compensation issues related to participants in the system.

Specifically, an amendment filed by Congresswoman Lois Frankel and adopted in the committee hearing is in response to FEMA's efforts to challenge emergency assistance grants to local governments for storms dating back to 2005 and require governments to pay the money back. The amendment seeks to place a timeframe for auditing grants awarded by FEMA to local governments.